

ORDINANCE NO. 07-105

ORDINANCE REZONING PROPERTY FROM R-2 (ONE AND TWO-FAMILY RESIDENTIAL DISTRICT) WITH A VARIANCE GRANTED PURSUANT TO HIALEAH, FLA., ORDINANCE 95-57 (AUG. 8, 1995) TO CONSTRUCT A DUPLEX ON EACH OF TWO SUBSTANDARD-SIZED LOTS TO R-3-3 (MULTIPLE FAMILY DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW A REAR SETBACK OF 10 FEET, WHERE AT LEAST 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-591. **PROPERTY LOCATED AT 351 EAST 41 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 24, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from R-2 (One and Two-Family Residential District) with a variance granted pursuant to Hialeah, Fla., Ordinance 95-57 (Aug. 8, 1995) to construct a duplex on each of two substandard-sized lots to R-3-3 (Multiple Family District) and is hereby granted a variance permit to allow a rear setback of 10 feet, where at least 20 feet are required, contra to Hialeah Code § 98-591, which provides in pertinent part: "In the R-3 multiple-family district, there shall be a

20-foot rear yard setback.” Property located at 351 East 41 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 33, BLOCK 1, CHURCHILL DOWNS,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 9, PAGE 168, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

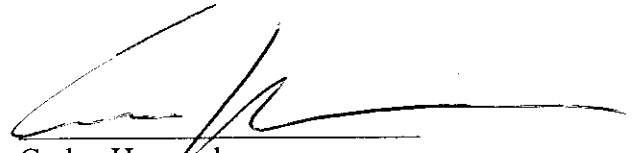
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 27 day of November, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Carlos Hernandez
Council Vice President

Attest:

Approved on this ____ day of _____, 2007.

MAYOR'S SIGNATURE WITHHELD

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

s:\wmg\legis\ord-2007\351east41street.doc

Ordinance was adopted by a 6-0-1 vote with Councilmembers Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Bovo absent.

Ordinance was passed and adopted by the Hialeah City Council on November 27, 2007 and became effective December 11, 2007 without Mayor's signature.